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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,202	12/05/2003	Thomas Volkel	2001P07021WOUS	2442
7590	11/28/2005			EXAMINER KUNDU, SUJOY K
SIEMENS CORPORATION INTELLECTUAL PROPERTY DEPT. 170 WOOD AVENUE SOUTH ISELIN, NJ 08830			ART UNIT 2863	PAPER NUMBER

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/729,202	VOLKEL, THOMAS	
	Examiner Sujoy K. Kundu	Art Unit 2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 18 November 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 13-15 is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sung et al. (5,177,695) in view of Hawkes et al (5,973,643) and Owen et al. (US 2003/0176984 A1).

With regards to Claim 1, Sung et al. teaches a method for monitoring at least one measuring signal comprising:

cyclically determining by a computer system a characteristics value of measuring signal (Detailed Description, Fig. 1, 102, Column 2, Lines 20-23) in measuring periods which are separated from one another by a time interval (Fig. 1, 104, Column 2, Lines 20-35);

automatically defining a priority to the measuring signal (Detailed Description, Column 2, Lines 33-37, Fig. 1, 112/120);

automatically assigning the priority to the measuring signal (Detailed Description, Column 3, Lines 35-57, Fig.2, 206/208/210/212 );

Sung, does not teach wherein the characteristic value is the root mean square value of the measuring signal, the peak value of the measuring signal, or a value derived from a measured of the momentary value of the measuring signal and

automatically specifying a time interval between the measuring periods as a function of the priority.

However, Owen teaches wherein the characteristic value is the root mean square value of the measuring signal, the peak value of the measuring signal, or a value derived from a measured of the momentary value of the measuring signal (Page 2, Paragraph 32)

Furthermore, Hawkes discloses a method for monitoring at least one measuring signal including automatically specifying a time interval between the measuring periods as a function of the priority (Fig. 8, 87, Column 8, Lines 52-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to automatically specifying a time interval between the measuring periods as a function of the priority as taught by Owen and Hawkes into Sung for the purpose of creating a control system that allows alteration of a digital power control without requiring simultaneous physical modification of the system (Sung, Column 1, Lines 13-19).

Additionally, Hawkes discloses evaluating the measuring signal for executing diagnosis and or maintenance measures (Column 5, Lines 44-49);

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include evaluating the measuring signal for executing diagnosis and or maintenance measures as taught by Owen and Hawkes into Sung for the purpose of creating a control system that allows alteration of a digital power control

without requiring simultaneous physical modification of the system (Sung, Column 1, Lines 13-19).

Claims 2-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sung, Hawkes, and Owen as applied to claim 1 above, and further in view of Berger et al. (5,920,617).

Regarding claim 2 Sung, teaches all the limitations as discussed above, however Sung as modified does not teach a method wherein the priority is automatically defined as a function of the characteristic value of the measuring signal. Berger discloses a method wherein the priority is automatically defined as a function of the characteristic value of the measuring signal (Claims, Column 4, Lines 1-15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a method wherein the priority is automatically defined as a function of the characteristic value of the measuring signal as taught by Berger into Sung, Hawkes, and Owen for the purpose of creating a control system that allows alteration of a digital power control without requiring simultaneous physical modification of the system (Sung, Column 1, Lines 13-19).

Regarding claims 3 and 7, Sung, teaches all the limitations as discussed above, however Sung as modified does not teach a method wherein the priority is automatically defined as a function of size of the difference in the characteristic values of the measuring signal which were determined in two successive measuring periods. Berger discloses a method wherein the priority is automatically defined as a function of size of

the difference in the characteristic values of the measuring signal which were determined in two successive measuring periods (Column 4, Lines 16-36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a method wherein the priority is automatically defined as a function of size of the difference in the characteristic values of the measuring signal which were determined in two successive measuring periods as taught by Berger into Sung, Hawkes, and Owen for the purpose of creating a control system that allows alteration of a digital power control without requiring simultaneous physical modification of the system (Sung, Column 1, Lines 13-19) .

Regarding claims 4, 8, and 9, Sung, teaches all the limitations as discussed above, however Sung as modified does not teach a method wherein the priority is automatically defined as a function of a trend analysis performed by the computer system of the characteristic values of the measuring signal which were determined in successive measuring periods. Berger discloses a method wherein the priority is automatically defined as a function of a trend analysis performed by the computer system of the characteristic values of the measuring signal which were determined in successive measuring periods (Column 4, Lines 48-63).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a method wherein the priority is automatically defined as a function of a trend analysis performed by the computer system of the characteristic values of the measuring signal which were determined in successive measuring periods as taught by Berger into Sung, Hawkes, and Owen for the purpose of creating a control

system that allows alteration of a digital power control without requiring simultaneous physical modification of the system (Sung, Column 1, Lines 13-19).

Regarding claims 5, 10, 11, and 12, Sung, teaches all the limitations as discussed above, however Sung as modified does not teach a method wherein the measuring periods are embodied as discrete sampling instants and the characteristic values of the measuring signal are embodied as momentary values of the measuring signal. Berger discloses a method wherein the measuring periods are embodied as discrete sampling instants and the characteristic values of the measuring signal are embodied as momentary values of the measuring signal (Fig 2, Column 3, Lines 7-29).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a method wherein the measuring periods are embodied as discrete sampling instants and the characteristic values of the measuring signal are embodied as momentary values of the measuring signal as taught by Berger into Sung, Hawkes, and Owen for the purpose of creating a control system that allows alteration of a digital power control without requiring simultaneous physical modification of the system (Sung, Column 1, Lines 13-19) .

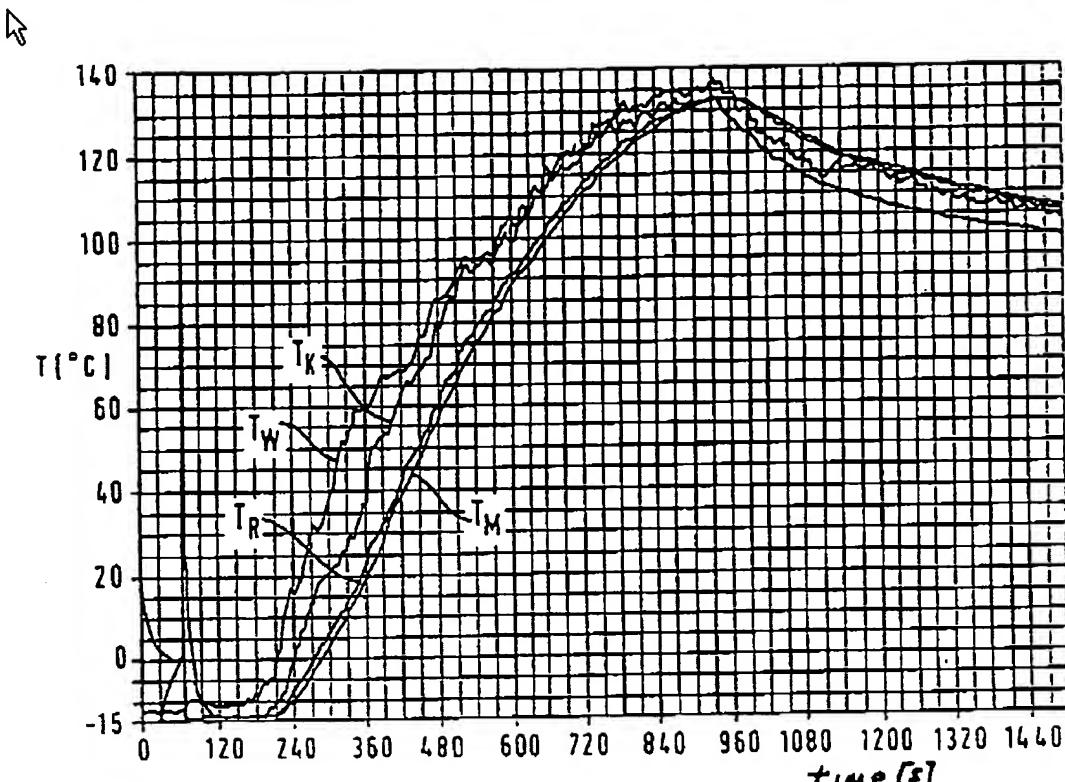


Fig.2

Regarding claim 6, Berger teaches a method for use in automation technology (Column 4, Lines 49-63).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a method for use in automation technology as taught by Berger into Sung, Hawkes, and Owen for the purpose of creating a control system that allows alteration of a digital power control without requiring simultaneous physical modification of the system (Sung, Column 1, Lines 13-19).

***Allowable Subject Matter***

Claim 13-14 allowed.

***Reason for Allowance***

The following is an examiner's statement of reasons for allowance: Regarding Claim 13 and 15:

The primary reason for allowance of claim 13-15 is the inclusion of the limitations of a length of a measuring period is a discrete sampling instant at which the momentary value of the measuring signal is determined, the characteristic value including the determined momentary value if the measuring signal is a signal having an identical magnitude.

The following patent the current state of the art:

Sung et al. teaches a method for monitoring at least one measuring signal comprising:

cyclically determining by a computer system a characteristics value of measuring signal (Detailed Description, Fig. 1, 102, Column 2, Lines 20-23) in measuring periods which are separated from one another by a time interval (Fig. 1, 104, Column 2, Lines 20-35);

automatically defining a priority to the measuring signal (Detailed Description, Column 2, Lines 33-37, Fig. 1, 112/120);

automatically assigning the priority to the measuring signal (Detailed Description, Column 3, Lines 35-57, Fig.2, 206/208/210/212 );

However, Sung does not teach a length of a measuring period is a discrete sampling instant at which the momentary value of the measuring signal is determined, the characteristic value including the determined momentary value if the measuring signal is a signal having an identical magnitude. It is this feature found in the claim, as

they are claimed in the combination that has not been found, taught, or suggested by prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Response to Arguments***

Applicant's arguments filed November 18, 2005 have been fully considered but they are not persuasive. Applicant claims that Sung, Hawkes, and Owen in combination do not teach evaluating the measuring signal for executing diagnosis and/or maintenance measures. Examiner respectfully disagrees. Hawkes teaches evaluating the measuring signal for executing diagnosis and/or maintenance measures (Column 5, Lines 44-49).

Examiner has reviewed independent Claim 15 and has provided reasons for allowance above.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujoy K. Kundu whose telephone number is 571-272-8586. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SKK  
11/23/2005



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